

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

<p>ALAN PRICHARD, Plaintiff, vs. MICHIGAN DEPARTMENT OF CORRECTIONS, et al., Defendants.</p>	<p>2:20-CV-12844-TGB-CI HON. TERRENCE G. BERG ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 39)</p>
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This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.'s April 18, 2023 Report and Recommendation ("R&R") recommending that pro se Plaintiff Alan Prichard's complaint be dismissed with prejudice. ECF No. 39. Specifically, Magistrate Judge Ivy recommended dismissal because Plaintiff has not complied with the Court's Order to Show Cause regarding his failure to respond to Defendants' motion for summary judgment (ECF No. 38). ECF No. 39, PageID.247–48. The Order to Show Cause explicitly cautioned Plaintiff that the Court may dismiss his case for failure to prosecute if he did not file a timely response. *Id.*

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which

objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Here, the R&R was served by mail approximately seven weeks ago. Being mindful of the delays in receiving and responding to mail that are outside of an incarcerated plaintiff’s control, the Court has allowed Plaintiff significant additional time to raise objections. But even with this additional time, Plaintiff has failed to raise any objections to the R&R nor has he filed a delayed response to the Court’s Order to Show Cause.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Ivy’s Report and Recommendation (ECF No. 39) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that the case is **DISMISSED with prejudice**.

IT IS SO ORDERED.

Dated: May 31, 2023

s/Terrence G. Berg

TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE